

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

COPY

CRYSTAL SEAMAN,)

Plaintiff,)

Vs)

CASE NO.:

FOOD GIANT SUPERMARKETS,)

2:05-CV-00414-T

INC.,)

Defendant.)

The deposition of ROBERT SEAMAN taken pursuant to the Alabama Rules of Civil Procedure before Anna S. Padgett, Court Reporter and Notary Public, State at Large, at the Law Office of Charles W. Blakeney, 201 North Commerce Street, Geneva, Alabama on the 19th day of July, 2005, commencing at approximately 12:00 a.m.

1 happen?

2 A Yes. I seen her come out of the store
3 and all of the sudden the buggy just stopped.
4 And she backed back up and she came up to the
5 truck and started unloading the groceries out
6 of the back. And she got in the truck and
7 she was holding her right arm. And I said
8 shug, is there something wrong? And she
9 said, baby, I hit that hole in front of the
10 store right there. And I said are you hurt
11 bad. She said I don't know. I'm hoping not.
12 It's hurting right now. And I said maybe it
13 will pass, you know. And one thing led to
14 another and here we are.

15 Q All right. Were you sitting -- I think
16 she told me the passenger seat of the truck?

17 A Yes. I was unable to drive at that
18 time.

19 Q Yeah. You had just had surgery. Now,
20 was the truck facing the grocery store?

21 A Yes, it was.

22 Q Okay. And, so, you saw her come out of
23 the store and start down the ramp. And
24 describe what the buggy did for me.

25 A It just lifted up -- where she was

1 holding on to it, it just did that with her.

2 Q The back end lifted up?

3 A Right.

4 Q Did it hit her at any point, the back
5 end of the buggy?

6 A Not that I know of, no.

7 Q And you say she came on to the car. I
8 guess she went around to the back of the car?

9 A The back of the truck -- pickup truck.

10 Q And unloaded the groceries?

11 A Uh-huh.

12 Q Okay. And she put the groceries in the
13 back of the truck?

14 A Right.

15 Q Okay. And what did she tell you when
16 she got in the truck?

17 A That she had hurt her arm when she hit
18 that hole.

19 Q And after she got back into the car
20 what did y'all do next?

21 A We headed home.

22 Q Okay. Did you ever go look at the hole
23 after the accident?

24 A Yes, I did. A matter of fact it was
25 about a week later, I went back to the store

1 and the hole was still there. And it really
2 frustrated me because we had done called them
3 and let them know about the hole.

4 Q Was that the first time you looked at
5 the hole?

6 A Yes. I believe most of the time they
7 had it covered with a carpet or something of
8 that nature.

9 Q And you said that was about a week
10 after the accident when you first looked at
11 the hole?

12 A Yes, sir.

13
14 (Whereupon, Defendant's Exhibit
15 Number 2 was marked for
16 identification and same is
17 attached hereto.)
18

19 Q I am going to mark this as Defendant's
20 Exhibit 2. And it's the same picture I
21 showed your wife a little while ago. When
22 you went back a week later, where was the
23 hole? I'm going to show you -- this is
24 coming out of the store.

25 A It would have been on the right side.

1 over it would the carpet be all the way to
2 the far left side? And, again, that's from
3 the perspective of coming out of the store --
4 would it be all the way over to the left or
5 would it be toward the middle of the ramp?

6 A It probably would be in the middle, but
7 there is times there's three or four pieces
8 of carpet laying up there.

9 Q Okay. Do you know why the carpet was
0 there?

1 A No, sir.

2 Q Okay. Size-wise, though, could you
3 describe the hole -- how wide, how deep?

4 A Well, I can tell you it wasn't a huge
5 hole.

6 Q Would you describe it more as a dent, I
7 guess, in the pavement or in the ramp or an
8 indentation?

9 A No, it was a hole. I mean, anybody
0 could have stumbled over it. Size-wise, I
1 would say probably a six by 10, something
2 like that in measurements. And probably
3 about four to five inches deep.

4 Q Six by 10 and?

5 A Yeah, inches not foot now, inches.